Single Bench

(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT

BILASPUR

W.P.NO. 4799 / 2004

P.R. No. 4805/04
Presented by Shri Shamita Shah
dated 08-12-04

Petitioner

Smt.Asha Baksh
W/o Late Chandrakant Baksh, Aged about 50 years, Working as Staff Nurse at Primary Health Centre Mohala, Dist : Rajnandgaon-(C.G.)

Versus

Respondents :

1. State of Chhattisgarh Throguh Secretary Health Department.

2. Chief Medical Health Officer, Dist : Rajnandgaon - (C.G.)

3. Block Medical and Health Officer Primary Health Centre Dongargarh / Mohala, Dist : Rajnandgaon-(C.G.)

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8.12.04

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

(29)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4799 of 2004

Petitioner — Smt. Asha Baksh

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Santosh Bharat, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the respondents/State.

ORDER

(Passed on this 23rd day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Staff Nurse in Primary Health Center, Mohala, Rajnandgaon was transferred to Dantewada, on the same terms and conditions vide impugned transfer order dated 4.11.2004 (Annexure P/3).
2. This Court vide interim order dated 14.1.2005 directed that not to give effect to the transfer order, if the petitioner was not already relieved.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur